

| DIST/OFFICE | DOCKET<br>YR. NUMBER | FILING DATE<br>MO. DAY YEAR | J | N/S | O | R  | R<br>23 | \$ | DEMAND<br>OTHER | JUDGE<br>NUMBER | JURY<br>DEM. | YR. | DOCKET<br>NUMBER |
|-------------|----------------------|-----------------------------|---|-----|---|----|---------|----|-----------------|-----------------|--------------|-----|------------------|
| 1085/4      | 75 0562              | 12 11 75                    | 4 | 110 | 1 | 21 |         |    | 11              | 8509            | D            | 75  | 0562-B           |

PLAINTIFFS

MFA INSURANCE COMPANIES

DEFENDANTS

TIMOTHY BLACKBURN and  
O. W. JOHNSTON *266-8745*

CAUSE

28 UNITED STATES CODE, Sec.2201, et seq., DECLARATORY JUDGMENT ACTION

ATTORNEYS

Dale F. McDaniel  
Whitten, McDaniel, Osmond, Goree & Davies  
Suite One, 2626 E. 21st Street  
Tulsa, Oklahoma 74114 *749-4771*

~~Roehm A. West (O.W. Johnston)~~  
~~2000 Fourth Natl. Bg.,~~  
~~Tulsa, Ok. 74119~~

*587-940*  
Tom L. Armstrong (*Johnston*)  
2701 Fourth National Bank Bldg.  
Tulsa, Oklahoma 74119  
587-5136

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
FORMA  
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 1-1-76

JS-6 2-1-77

## JUDGE BARROW

| DATE  | NR. | PROCEEDINGS   |
|-------|-----|---|
| 1975  |     |   |
| 12-11 | 1   | Complaint filed, Summons Issued.tc  |
| 12-19 |     | Summons, ret. & filed: served Timothy Blackburn, Tulsa, Ok. 12-18-75; served O. W. Johnston, Bixby, Ok. 12-16-75. (USM \$12.36)g  |
| 1976  |     |   |
| 1-5   | 2   | Appl. of deft. O. W. Johnston for ext. of time to answer, filed. g  |
| 1-5   | 3   | Order extending time for O. W. Johnston to ans. to 1-20-76. (JCS-Clk)g  |
| 1-20  | 4   | <u>Answer</u> of def., O. W. Johnston, filed. rm  |
| 1-27  | MO  | Case set for disposition on 2-10-76 at 10:00 a.m. for failure of Deft. Blackburn to answer. (AEB-J)k cps by cert ml.  |
| 2-10  |     | Case called for disposition for failure of Deft. Blackburn to answer. Pltf. co. present, & requests Court to dismiss as to Deft. Blackburn. Court orders Pltf. to present order for dismissal of Deft. Blackburn. (AEB-J)b  |
| 2-19  | 5.  | Mot. of Deft. O. W. Johnston to Dismiss, fld. v -brief to be in.  |
| 3-1   | 6   | Order, filed, that Timothy Blackburn has no interest in case at bar and is barred from seeking judgment against MFA Ins. Companies, and that MFA Ins. Companies has no duties or responsibilities to said Timothy Blackburn. (AEB-J)g cp mld.   |
| 3-4   | 7.  | Brief in support of mot. to dismiss on behalf of Deft. O.W. Johnston, fld. v  |
| 3-4   | MO: | Ordered that Pltf. is granted 10 days from this date to respond to the Mot. to Dismiss fld. by Dft. O.W. Johnston. (AEB-J)v   |
| 3-8   | 8.  | Deft. Johnston's Motion to vacate order of 3-1-76, filed.k  |
| 3-8   | 9.  | Brief in support of deft. Johnston's mot. to vacate order, filed.k  |
| 3-8   | MO  | It is ordered by the Court that the pltf. is hereby granted 10 days to respond to deft. Johnston's mot. to vacate order of 3-1-76. (AEB-J)k   |
| 3-10  | 10. | Pltf's response to deft. O. W. Johnston's mo. to dismiss, filed. ph   |
| 3-10  | 11. | Pltf's brief in support of response to deft. Johnston's motion to dismiss, filed. ph  |
| 3-10  | 12. | Pltf's response to mo. to vacate order of deft. Blackburn, filed. ph  |
| 3-10  | 13. | Pltf's motion for default judgment against deft. Blackburn, filed. ph   |
| 5-13  | 14. | Order, filed, that mot. to vacate Order of 3-1-76 filed by deft. Johnston is hereby sustained and said order is hereby vacated, set aside and held for naught. Further, that pltf's mot. for Default Judgment against deft. Blackburn shall be set on the next disposition docket. (AEB-J)k cps mld |
| 5-13  | 15  | Order, filed, that the mot. to dismiss filed by deft. Johnston be and the same is hereby overruled. (AEB-J)k cps mld  |
| 6-17  | MO; | Case set for disposition on 7-12-76, 11:00 a.m. for hearing on Pltf's motion for default judgment as to deft. Timothy Blackburn.(AEB-J)b ntc by cert ml   |
| 7-12  |     | Case called for disposition for hearing on Pltf's motion for default judgment as to Deft. T. Blackburn. Pltf. represented. Deft. not represented. Motion taken under advisement until time of trial as to Deft. Johnston. Case to be set on next trial docket.(AEB-J)b                              |
| 10-18 | MO: | Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml   |
| 10-22 | 16. | Entry of appear. of Tom L. Armstrong as atty of record for O. W. Johnston, deft., filed. lm   |

## CIVIL DOCKET CONTINUATION SHEET

|                   |                                     |                            |
|-------------------|-------------------------------------|----------------------------|
| PLAINTIFF         | DEFENDANT                           | DOCKET NO. <u>75-C-562</u> |
| MFA INSURANCE CO. | O. W. JOHNSTON<br>TIMOTHY BLACKBURN | PAGE ____ OF ____ PAGES    |

| DATE   | NR. | PROCEEDINGS   |
|--------|-----|---|
| 1976   |     |   |
| 10-22  | 17. | Deft. O. W. Johnston's appli. for ext. of time of 30 days, filed.lm                             |
| 10-22  | 18. | JURY DEMAND of deft. Johnston, filed.lm   |
| 10-26  | 19. | Order, filed, granting deft. O. W. Johnston until 11-30-76 to file PT Order.s (AEB-J) cps. mld. |
| 11-22  | 20. | Deft. Johnston's proposed pretrial order, filed. lm   |
| 11-29  | 21. | Pltf's proposed pre-trial order, filed.s  |
| 12-6   | MO: | Case set for jury trial on 1-10-77, at 9:30 A.M.(AEB-J)b nts by cert ml w/affid                 |
| 1-7-77 | MO: | Case stricken from jury docket of 1-10-77, pending settlment.(AEB-J)b nts by MC                 |
| 1-7    | 22. | Pltf's appl. for Order of Dismissal w/out prejudice, filed.k O to J                             |
| 1-11   | 23. | Order, filed, & entered that this cause be and is dismissed without prejudice.s<br>cys. mld.    |

## PLAINTIFF

DOCKET NO. \_\_\_\_\_

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

DATE \_\_\_\_\_

NR.

## PROCEEDINGS